Numb. II.

THE

New-York Weekly JOURNAL.

Containing the freſheſt Advices, Foreign, and Domeſtick.

MUNDAY November 12, 1733.

Mr. *Zenger.*

INcert the following in your next, and you'll oblige your Friend,

CATO.

Mira temporum felicitas ubi ſentiri quæ velis, & quæ ſentias dicere licit.

Tacit.

THE Liberty of the Preſs is a Subject of the greateſt Importance, and in which every Individual is as much concern'd as he is in any other Part of Liberty: Therefore it will not be improper to communicate to the Publick the Sentiments of a late excellent Writer upon this Point. ſuch is the Elegance and Perſpicuity of his Writings, ſuch the inimitable Force of his Reaſoning, that it will be difficult to ſay any Thing new that he has not ſaid, or not to ſay that much worſe which he has ſaid.

There are two Sorts of Monarchies, an abſolute and a limited one. In the firſt, the Liberty of the Preſs can never be maintained, it is inconſiſtent with it; for what abſolute Monarch would ſuffer any Subject to animadvert on his Actions, when it is in his Power to declare the Crime, and to nominate the Puniſhment? This would make it very dangerous to exerciſe ſuch a Liberty. Beſides the Object againſt which thoſe Pens muſt be directed, is their Sovereign, the ſole ſupream Magiſtrate; for there being no Law in thoſe Monarchies, but the Will of the Prince, it makes it neceſſary for his Miniſters to conſult his Pleaſure, before any Thing can be undertaken: He is therefore properly chargeable with the Grievances of his Subjects, and what the Miniſter there acts being in Obedience to the Prince, he ought not to incur the Hatred of the People; for it would be hard to impute that to him for a Crime, which is the Fruit of his Allegiance, and for refuſing which he might incur the Penalties of Treaſon. Beſides, in an abſolute Monarchy, the Will of the Prince being the Law, a Liberty of the Preſs to complain of Grievances would be complaining againſt the Law, and the Conſtitution, to which they have ſubmitted, or have been obliged to ſubmit; and therefore, in one Senſe, may be ſaid to deſerve Puniſhment, So that under an abſolute Monarchy, I ſay, ſuch a Liberty is inconſiſtent with the Conſtitution, having no proper Subject in Politics, on which it might be exercis'd, and if exercis'd would incur a certain Penalty.

But in a limited Monarchy, as *England* is, our Laws are known, fixed, and eſtabliſhed. They are the ſtreight Rule and ſure Guide to direct the King, the Miniſters, and other his Subjects: And therefore an Offence againſt the Laws is ſuch an Offence againſt the Conſtitution as ought to receive a proper adequate Puniſhment; the ſevera-

Conſtil-

Conſtituents of the Government, the Miniſtry, and all ſubordinate Magiſtrates, having their certain, known, and limited Sphere, in which they move; one part may certainly err, miſbehave, and become criminal, without involving the reſt, or any of them in the Crime or Puniſhment.

But ſome of theſe may be criminal, yet above Puniſhment, which ſurely cannot be denyed, ſince moſt Reigns have furniſhed us with too many Inſtances of powerful and wicked Miniſters, ſome of whom by their Power have abſolutely eſcap'd Puniſhment, and the Reſt, who met their Fate, are likewiſe. Inſtances of this Power as much to the Purpoſe; for it was manifeſt in them, that their Power had long protected them, their Crimes having often long preceeded their much deſired and deſerved Puniſhment and Reward.

That *Might ever comes Right*, or which is the ſame Thing, that Might preſerves and defends Men from Puniſhment, is a Proverb eſtabliſhed and confirmed by Time and Experience, the ſureſt Diſcoverers of Truth and Certainty. It is this therefore which makes the Liberty of the Preſs, in a limited Monarchy, and in all its Colonies and Plantations, proper, convenient, and neceſſary, or indeed it is rather incorporated and interwoven with our very Conſtitution; for if ſuch an over grown Criminal, or an impudent Monſter in Iniquity, cannot immediately be come at by ordinary Juſtice, let him yet receive the Laſh of Satyr, let the glaring Truths of his ill Adminiſtration, if poſſible, awaken his Conſcience, and if he has no Conſcience, Rouze his Fear, by ſhewing him his Deſerts, ſting him with the Dread of Puniſhment, cover him with Shame, and render his Actions odious to all honeſt Minds. Theſe Methods may in Time, and by watching and expoſing his Actions, make him at leaſt more Cautious, and perhaps at laſt bring down the great haughty and ſecure Criminal, within the Reach and Graſp of ordinary Juſtice. This Advantage therefore . . Expoſing the exorbitant Crimes of wicked Miniſters under a limited Monarchy, makes the Liberty of the Preſs, not only conſiſtent with, but a neceſſary Part of the Conſtitution it ſelf.

It is indeed urged, that the Liberty of the Preſs ought to be reſtrained, becauſe not only the Actions of evil Miniſters may be expoſed, but the Character of good ones traduced. Admit it in the ſtrongeſt Light, that Calumny and Lyes would prevail, and blaſt the Character of a great and good Miniſter; yet that is a leſs Evil than the Advantages we reap from the Liberty of the Preſs, as it is a Curb, a Bridle, a Terror, a Shame, and Reſtraint to evil Miniſters; and it may be the only Puniſhment, eſpecially for a Time. But when did Calumnies and Lyes ever deſtroy the Character of one good Miniſter? Their benign Influences are known, taſted, and felt by every Body: Or if their Characters have been clouded for a Time, yet the have generally ſhin'd forth in greater Luſtre: Truth will always prevail over Falſhood.

The Facts expoſed are not to be believed, becauſe ſaid or publiſhed; but it draws Peoples Attention, directs their View, and fixes the Eye in a proper Poſition, that every one may judge for himſelf, whether thoſe Facts are true or not. People will recollect, enquire and ſearch, before they condemn; and therefore very few good Miniſters can be hurt by Falſhood, but many wicked Ones by ſeaſonable Truth: But however the Miſchief that a few may poſſibly, but improbably, ſuffer by the Freedom of the Preſs, is not to be put in Competition with the Danger which the KING and the *People* may ſuffer by a ſhameful, cowardly Silence, under the Tyrany of an inſolent, rapacious, infamous Miniſter.

[*To be continued.*]

Numb. III.

THE

New-York Weekly JOURNAL.

Containing the freſheſt Advices, Foreign, and Domeſtick.

MUNDAY November 19, 1733.

[*The Remainder of the Letter, concerning the Liberty of the Preſs, begun in our laſt.*]

INconveniences are rather to be endured than that we ſhould ſuffer an entire and total Deſtruction. Who would not loſe a Leg to ſave his Neck? And who would not endanger his Hand to guard his Heart? The Loſs of Liberty in general would ſoon follow the Suppreſſion of the Liberty of the Preſs; for as it is an eſſential Branch of Liberty, ſo perhaps it is the beſt Preſervative of the whole. Even a Reſtraint of the Preſs would have a fatal Influence. No Nation Antient or Modern ever loſt the Liberty of freely Speaking, Writing, or Publiſhing their Sentiments, but forthwith loſt their Liberry in general and became Slaves. *LIBEERTY* and *SLAVERY!* how amiable is one! how odious and abominable the other! Liberty is univerſal Redemption, Joy, and Happineſs; but Servitude is abſolute Reprobation and everlaſting Perdition in Politics.

All the venal Suportors of wicked Miniſters are aware of the great uſe of the Liberty of the Preſs, in a limited free Monarchy: They know how vain it would be to attack it openly, and therefore endeavour to puzzle the Caſe with Words, Inconſiſtencies, and Nonſenſe; but if the Opinion of the moſt numerous, unprejudiced and impartial Part of Mankind is an Argument of Truth, the Liberty of the Preſs has that as well as Reaſon on its Side. I believe every honeſt *Britton*, of whatever Denomination, who loves his Country, if left to his own free and unbyaſſed Judgment, is a Friend to the Liberty of the Preſs, and an Enemy to any Reſtraint upon it. Surely all the independent Whiggs, to a Man, are of this Opinion. By an *Independent Whigg*, I mean one whoſe Principles lead him to be firmly attached to the preſent happy Eſtabliſhment, both in Church and State, and whoſe Fidelity to the Royal Family is ſo ſtaunch and rivitted, as not to be called in Queſtion, tho' his Mind is not over-ſwayed, or rather neceſſitated, by the extraordinary Weight of lucrative Poſts or Penſions. The Dread of Infamy hath certainly been of great Uſe to the Cauſe of Virtue, and is a ſtronger Curb upon the Paſſions and Appetites of ſome Men, than any other Conſideration Moral or Religious. Whenever, therefore, the Talent of Satyr is made uſe of to reſtrain Men, by the Fear of Shame, from immoral Actions, which either do or do not fall under the Cognizance of the Law, it is properly, and juſtly, and commendably applied: On the contrary, to condemn all Satyr is in Effect the ſame Thing as contenancing Vice, by ſcreening it from Reproach and the juſt Indignation of Mankind. The Uſe of Satyr was of great Service to the Patriot Whiggs in the Reign of King *Charles* and King

James

James the ſecond, as well as in that of Queen *Anne*. They aſſerted the Freedom of Writing againſt wicked Miniſters; and tho' they knew it would ſignify nothing to accuſe them publickly, whilſt they were in the Zenith of their Power, they made uſe of Satyr to prepare the Way and alarm the People againſt their Deſigns. If Men in Power were always Men of Integrity, we might venture to truſt them with the Direction of the Preſs, and there would be no Occaſion to plead againſt the Reſtraint of it; but as they have Vices like their Fellows, ſo it very often happens, that the beſt intended and the moſt valuable Writings are the Objects of their Reſentment, becauſe oppoſite to their own Tempers or Deſigns. In ſhort, I think, every Man of common Senſe will judge that he is an Enemy to his King and Country who pleads for any Reſtraint upon the Preſs; but by the Preſs, when Nonſenſe, Inconſiſtencies, or perſonal Reflections are writ, if deſpiſed, they die of Courſe; if Truth, ſolid Arguments, and elegant, juſt Sentiments are publiſhed, they ſhould meet with Applauſe rather than Cenſure; if Senſe and Nonſenſe are blended, then, by the free Uſe of the Preſs, which is open to all, the Inconſiſtences of the Writer may be made apparent; but to grant a Liberty only for Praiſe, Flattery, and Panegyric, with a Reſtraint on every Thing which happens to be offenſive and diſagreeable to thoſe who are at any Time in Power, is abſurd, ſervile, and rediculous; upon which, I beg Leave to quote one Obſervation of the ingenious Mr. *Gordon*, in his excellent Diſcourſes upon *Tacitus*. '*In Truth*, ſays he, *where no Liberty is allowed to ſpeak of Governours, beſides that of praiſing them, their Praiſes will be little believed; their Tenderneſs and Averſion to have their Conduct examined, will be apt to prompt People to think their Conduct guilty or weak, to ſuſpect their Management and Deſigns to be worſe perhaps than they are, and to become turbulent and ſeditious, rather than be forced to be ſilent.*' I ſhall conclude with a Citation from *Tacitus*, pat to the Purpoſe, '*Socordiam eorum inridere libet, qui preſenti Potentia credunt extingui poſſe etiam ſequentis ævi Memoriam: Nam contra punitis ingeniis gliſcit auctoritas, neque aliud externi Reges, aut qui eadem ſævitia uſi ſunt, niſi dedecus ſibi, atque illis gloriam peperere.*

****

FOREIGN AFFAIRS.

HAGUE, Sept. 1.

THE latter End of laſt Week, two Reſolutions taken the ſame Day by the States-General, were delivered by their Order, the one to the Marquis de Fenelon, Ambaſſador of France; the other to Count Sinzendorff, Envoy Extraordinary of the Emperor; by the former of which their High Mightineſſes Conſent to a Neutrality for the Auſtrian Netherlands; by the other they declare, that they will nevertheleſs punctually perform the Engagements they have entered into by Virtue of their Treaties with his Imperial Majeſty.

For though their High Mightineſſes are reſolved to obſerve the Neutrality above-mentioned, yet they do not think they ought to neglect the Preſervation of the Netherlands: And therefore, the Council of State having demanded two Millions, one to put the Fortifications of the Barrier Towns into a good Condition, the other to furniſh them with Amunition and other Neceſſaries; their High Mightineſſes readily conſented to it, provided they have the Approbation of the Provinces, to obtain which they have written Letters, repreſenting to them the Neceſſity of raiſing this Supply.

They write from Guarda in Portugal, That one Father Antonio Sequeira d'Albuquerque, who had been 86 Years a Cannon of the Cathedral Church,